

WEEKLY REPORT
Region 9
Environmental Protection Agency
September 19, 2016

LAST WEEK: SEPTEMBER 12- SEPTEMBER 16, 2016

NDOT CWA Settlement: EPA and the State of Nevada, in a joint action, entered into a settlement with Nevada Department of Transportation to resolve CWA violations identified in a 2011 inspection. Under the terms of the settlement, NDOT will provide \$13.1 million in injunctive relief, and an additional \$15 million on stormwater projects. The settlement also requires NDOT to pay a \$120,000 penalty and implement a \$200,000 Supplemental Environmental Project to provide real-time water quality monitoring data to the public. It is estimated these actions will result in an estimated annual reduction of nearly seven million pounds of total suspended solids, 15,330 lbs of oil and grease, 2,200 lbs of zinc, and 812 lbs of Nitrate. (Wampler x2-3975)

Anaconda Copper Mine Site (Yerington, NV): The Anaconda Copper Mine Site was proposed to be added to the NPL. A 60-day public comment period has begun. (Chow x2-3160)

Halliburton Energy Services, Inc. CAFO: We completed a Consent Agreement and Final Order (CAFO) with Halliburton Energy Services for California Truck and Bus Rule violations, which includes a \$255,600 SEP to reduce air pollution at schools in the Los Angeles-South Coast Air Basin and San Joaquin Valley, as well as a civil penalty of \$154,400. (Chan x23308)

Ventura County Air Pollution Control District Prevention of Significant Deterioration Rule: We issued a proposed approval of Ventura Air District's Prevention of Significant Deterioration (PSD) rule. If we finalize the rule as proposed, we will transfer PSD permitting authority from EPA to the Ventura County Air District. (Tsai x 2-3328)

Imperial Irrigation District TSCA Settlement: We settled an administrative action against the Imperial Irrigation District ("IID") for Toxic Substances Control Act violations involving an uncontrolled release of polychlorinated biphenyls from inactive electricity substations in Coachella and Indio, CA. We assessed no penalty for these violations because they were discovered and remediated as a result of an audit required as a 2015 settlement in which IID paid a civil penalty of \$379,768 and performed a supplemental environmental project worth over \$511,000. IID spent more than \$1.2 million to conduct the PCB audit and to remove nearly 1,900 tons of PCB-contaminated soil and debris from the two sites, which were located in heavily residential areas. (Kim x2-3882)

Ninth Circuit Remand to EPA on CAA Section 172(c)(9) Contingency Measure Issue: The U.S. Court of Appeals for the Ninth Circuit issued its decision in *Bahr v. U.S. Environmental Protection Agency*, No. 14-72327, granting in part and denying in part a challenge to our approval of a state implementation plan revision submitted by Arizona to meet CAA section 189(d) requirements that are applicable to the Maricopa County PM-10 Nonattainment Area. The court upheld EPA's approval of the SIP (a "five percent plan") with regard to two issues: (i) CAA section 189(d) does not require updating previous determinations regarding the stringency of control measures; and (ii) Arizona's claims that 135 exceedances of the PM-10 national ambient air quality standards were caused by exceptional events. The court remanded EPA's action with regard to CAA 172(c)(9)'s contingency measures requirements, holding that the CAA unambiguously requires measures that will take effect in the future and therefore precludes already-implemented measures. Attorney Client Privileged
[REDACTED] (Christenson x2-3881)

Navajo Abandoned Uranium Mine Meetings and Tours: Enrique Manzanilla and Clancy Tenley met with the Navajo Office of the President and Vice President to discuss EPA's efforts to maximize opportunities for Navajo workers and businesses, and the current status of uranium clean-up work. A tour of the Tronox abandoned uranium mines in Cove, AZ was conducted for EPA Superfund and contracts management, including OGC and the Small Business Administration. Region 6 provided a tour of Tronox and other abandoned uranium mines in the Ambrosia Lake area of NM, near Navajo. (Tenley x2-3785)

THIS WEEK: SEPTEMBER 19 – SEPTEMBER 23, 2016

Palmyra Atoll Cleanup: We will meet with the FAA to discuss regulatory oversight for the cleanup of Palmyra Atoll. The atoll, which is located about 1,000 miles due south of HI and was used by FAA to operate a navigation beacon for trans-Pacific flights from 1939 to 1951, is contaminated with fuels, solvents, heavy metals, and PCBs. It is currently owned and operated by the Nature Conservancy Trust but will be transferred to the U.S. Fish and Wildlife Agency once cleanup is completed. (Wicher x2-3957)

Actions related to San Joaquin Valley (CA)'s failure to meet the 1997 PM2.5 NAAQS: Deliberative Process (b) (5)

(Mays x2-3227)

Finalizing Nevada Impaired Waters List: Deliberative Process (b) (5)

(Guiliano x7-4133)

South Coast Air Quality Management District Risk Management Program Briefing: Kay Lawrence and Enrique Manzanilla will meet with South Coast AQMD, the Torrance CUPA and members of the Torrance Community to discuss CAA 112(r) Risk Management Program regulations. The discussion will include regulatory applicability to South Coast refineries. In particular, community members have expressed concern about the use of hydrofluoric acid at the PBF Torrance Refinery (formerly owned and operated by Exxon Mobile). (Lawrence x2-3039)

Oceania Regional Response Team, State Emergency Response Commission and Local Emergency Planning Committee Meetings: On September 19-23, we will hold a series of meetings with response, preparedness and prevention partners in Honolulu. Topics will include the revision of pre-approval plans for dispersant application, activities at Tern Island to evaluate impacts to the endangered Hawaiian Monk Seal, streamlining inland area planning

(Meer x2-3132)

NEXT WEEK: SEPTEMBER 26 – SEPTEMBER 30, 2016

Coral Reef Health and Water Quality in Guam and CNMI: Tomás Torres will attend the U.S. Coral Reef Task Force (USCRTF) in Guam and Saipan on September 22nd and 23rd, where adoption of key coral reef actions are proposed for a USCRTF Strategy, a draft Coral Reef Mitigation Handbook, and an Updated Watershed Partnership Initiative Strategy. Prior to the CRTF, Tomás will meet with Walter Leon Guerrero, Acting Guam EPA Administrator, and Frank Rabuliman, Administrator of the CNMI Bureau of Environmental and Coastal Quality and visit several water infrastructure and water-related sites on Guam and Saipan. (Torres x2-3337)